



YARRA CITY COUNCIL

INTERNAL DEVELOPMENT APPROVALS COMMITTEE

MINUTES

**held on Wednesday 26 September 2018 at 6.30pm
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

I. ATTENDANCE

Councillor Amanda Stone
Councillor James Searle (substitute for Cr Mi-Lin Chen Yi Mei)
Councillor Mike McEvoy (substitute for Cr Jackie Fristacky)

Nikolas Muhllechner (Principal Planner)
Amy Hodgen (Co-Ordinator Statutory Planning)
Vicky Grillakis (Co-ordinator Statutory Planning)
Cindi Johnston (Governance Officer)

II. APOLOGIES AND LEAVE OF ABSENCE

Councillor Chen Yi Mei
Councillor Fristacky

III. DECLARATIONS OF CONFLICT OF INTEREST (councillors and staff)

IV. CONFIRMATION OF MINUTES

Internal Development Approvals Committee Resolution:

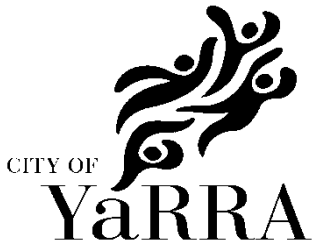
Moved: Councillor Searle **Seconded:** Councillor Stone

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 12 September 2018 be confirmed.

CARRIED

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***"Welcome to the City of Yarra.
Yarra City Council acknowledges the
Wurundjeri as the Traditional Owners
of this country, pays tribute to all
Aboriginal and Torres Strait Islander
people in Yarra and gives respect to
the Elders past and present."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch
2008**

Councillor Searle nominated Councillor McEvoy as Chair.

There being no other nominations, Councillor McEvoy was appointed Chair.

Councillor McEvoy assumed the Chair.

1. INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN17/0081 - 84 Type Street, Richmond, VIC 3121 - Development of the land for two (2) dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.	6	8
1.2	12 The Vaucluse, Richmond - PLN18/0008 - Part demolition and construction of a double-storey extension to the rear of the existing dwelling	12	14
1.3	PLN18/0118 - 8 Rogers Street, Richmond; Part demolition and construction of a ground and first floor addition with associated roof terrace to the existing dwelling, and construction of a carport.	15	17
1.4	2-20 Kerr Street, Fitzroy - PLN17/0379 - Construction of dwellings, including associated demolition works and a reduction in car parking	20	25
1.5	PLN17/1094 - 195 Lennox Street Richmond - Use and development of the land for construction of two buildings for dwellings, buildings and works to an existing building and part demolition [CONFIDENTIAL ITEM].		

1.1 PLN17/0081 - 84 Type Street, Richmond, VIC 3121 - Development of the land for two (2) dwellings and a reduction in the car parking requirements of the Yarra Planning Scheme.

Trim Record Number: D18/140947

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN17/0081 for the development of the land for two (2) dwellings and a reduction in the car parking requirements of the Scheme. at No.84 Type Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision/advertised plans (by Cric Architecture A.01.5, A.01.6, A.01.7, A.01.8, A.02.2, A.02.3, A.02.4, A.02.5, A.02.6, A.03.1, A.03.2 and A.04.1 dated 14 February 2018) and further modified to changes the sketch plans (by Cric Architecture A.01.5, A.01.6, A.01.7, A.01.8, A.02.2, A.02.3, A.02.4, A.02.5, A.02.6, A.03.1, A.03.2 and A.04.1 dated 21 August 2018) which show the following changes:
 - (a) Recessed area to the pedestrian entry of unit B with the internal southern garage wall and southern bedroom wall;
 - (b) Overlooking screens added to the second floor balconies to both units and the first floor balcony of unit B;
 - (c) The second-floor balcony setbacks for unit A increased to a minimum of 0.7m from the north boundary, 0.9m from the south boundary and 3.2m from the east boundary;
 - (d) The second-floor balcony setbacks for unit B increased to a minimum of 0.4m from the north boundary, 1.8m from the south boundary and 5.2m from the west boundary;
 - (e) Reduction in the maximum height of the development from 8.5m to 8.2m, and
 - (f) The southern wall has a staggered height of 7.95m on its western and eastern ends and the central portion (above the bedrooms) being 8.2m high;

But further modified to show the following:

- (g) Fence to Type Street to be a minimum of 50% visually transparent;
- (h) A solid 1.8m high fence to enclose open space areas on the north boundary;
- (i) Written material schedule and elevations corrected to confirm the garage door will be a frosted glazed finish as depicted in image 9 of the material schedule photo montage;
- (j) The first and second floor east-facing balcony balustrades to unit A to be replaced with a non-glazed and solid style material with low or no visual transparency,
- (k) The second-floor east-facing balcony screen to unit A to be a maximum of 1.2m high;
- (l) Details of the screen spacing to the ground floor stair windows of unit A and B demonstrating some visual transparency allowing for passive surveillance to Dove Place;
- (m) The provision of a window to the south wall ground floor bedroom of unit B and the ground floor south-facing bedroom windows to have a minimum sill height of 1.4m above the road pavement of Dove Place;
- (n) The first and second floor balconies and habitable room windows to demonstrate compliance with the objectives of clause 55.04-6 (*Overlooking objective*) of the Yarra Planning Scheme including relevant details of windows opening mechanisms, height and visual transparency of screens and section details of any louvers screens demonstrating louvers will be appropriately fixed (as applicable).
- (o) Demonstrate all habitable room windows will be operable;

- (p) The stacking-sliding gate to the southern boundary providing vehicle access to unit B to provide an opening with a minimum width of 4m commencing a minimum of 1m from the south-west corner of the site;
 - (q) Material schedule and elevations updated to correctly show all screening and materials including a detailed image of the Exposed concrete – boral grey and demonstrating a visually interesting finish will be achieved; and
 - (r) A minimum of 6 cubic metres of storage areas to be provided inside the proposed dwellings in the form of under stair or above car bonnet storage.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Engineering

3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and the kerb and channel to the front of the subject site to Type Street (outside the area occupied by the proposed crossover) must be demolished and re-instated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
6. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, the concrete bollards on the south-east concrete corner of the subject site, street line markings, service structures or service/telecommunication pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

General

7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian and car parking entry area of unit A and B must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
 - (e) to the satisfaction of the Responsible Authority.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

9. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
11. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
13. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

Submissions

Mr John Chau addressed the Committee on behalf of the Applicant.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN17/0081 for the development of the land for two (2) dwellings and a reduction in the car parking requirements of the Scheme. at No.84 Type Street, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision/advertised plans (by Cric Architecture A.01.5, A.01.6, A.01.7, A.01.8, A.02.2, A.02.3, A.02.4, A.02.5, A.02.6, A.03.1, A.03.2 and A.04.1 dated 14 February 2018) and further modified to changes the sketch plans (by Cric Architecture A.01.5, A.01.6, A.01.7, A.01.8, A.02.2, A.02.3, A.02.4, A.02.5, A.02.6, A.03.1, A.03.2 and A.04.1 dated 21 August 2018) which show the following changes:

- (a) Recessed area to the pedestrian entry of unit B with the internal southern garage wall and southern bedroom wall;
- (b) Overlooking screens added to the second floor balconies to both units and the first floor balcony of unit B;
- (c) The second-floor balcony setbacks for unit A increased to a minimum of 0.7m from the north boundary, 0.9m from the south boundary and 3.2m from the east boundary;
- (d) The second-floor balcony setbacks for unit B increased to a minimum of 0.4m from the north boundary, 1.8m from the south boundary and 5.2m from the west boundary;
- (e) Reduction in the maximum height of the development from 8.5m to 8.2m, and
- (f) The southern wall has a staggered height of 7.95m on its western and eastern ends and the central portion (above the bedrooms) being 8.2m high;

But further modified to show the following:

- (g) Fence to Type Street to be a minimum of 50% visually transparent;
- (h) A solid 1.8m high fence to enclose open space areas on the north boundary;
- (i) Written material schedule and elevations corrected to confirm the garage door will be a frosted glazed finish as depicted in image 9 of the material schedule photo montage;
- (j) The first and second floor east-facing balcony balustrades to unit A to be replaced with a non-glazed and solid style material with low or no visual transparency,
- (k) The second-floor east-facing balcony screen to unit A to be a maximum of 1.2m high;
- (l) Details of the screen spacing to the ground floor stair windows of unit A and B demonstrating some visual transparency allowing for passive surveillance to Dove Place;
- (m) The provision of a window to the south wall ground floor bedroom of unit B and the ground floor south-facing bedroom windows to have a minimum sill height of 1.4m above the road pavement of Dove Place;
- (n) The first and second floor balconies and habitable room windows to demonstrate compliance with the objectives of clause 55.04-6 (*Overlooking objective*) of the Yarra Planning Scheme including relevant details of windows opening mechanisms, height and visual transparency of screens and section details of any louvers screens demonstrating louvers will be appropriately fixed (as applicable).
- (o) Demonstrate all habitable room windows will be operable;
- (p) The stacking-sliding gate to the southern boundary providing vehicle access to unit B to provide an opening with a minimum width of 4m commencing a minimum of 1m from the south-west corner of the site;
- (q) Material schedule and elevations updated to correctly show all screening and materials including a detailed image of the Exposed concrete – borl grey and demonstrating a visually interesting finish will be achieved;
- (r) A minimum of 6 cubic metres of storage areas to be provided inside the proposed dwellings in the form of under stair or above car bonnet storage; and
- (s) The Provision of solar panels for both dwellings.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Engineering

3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
 5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and the kerb and channel to the front of the subject site to Type Street (outside the area occupied by the proposed crossover) must be demolished and re-instated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 6. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, the concrete bollards on the south-east concrete corner of the subject site, street line markings, service structures or service/telecommunication pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

General

7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian and car parking entry area of unit A and B must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
 - (e) to the satisfaction of the Responsible Authority.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
11. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

13. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

CARRIED UNANIMOUSLY

1.2 12 The Vaucluse, Richmond - PLN18/0008 - Part demolition and construction of a double-storey extension to the rear of the existing dwelling

Trim Record Number: D18/138969

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN18/0008 for construction of double-storey extensions to the rear of the existing dwelling, including partial demolition at No. 12 The Vaucluse, Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by Clare Cousins Architects, received by Council on 12 July 2018) but modified to show:
 - (a) The extent of demolition clearly shown on the existing south elevation (to match floor plans);
 - (b) A notation confirming the rainwater tanks will be connected for toilet flushing and/or garden irrigation;
 - (c) The locations of rainwater tanks confirmed (not "indicatively");
 - (d) The brick wall and gate to the west of the dwelling retained;
 - (e) The new north-facing door to the first floor balcony to be of simple timber construction with clear-glazing and no detailing;
 - (f) Details depicted on the sketch plans submitted to Council on 22 August 2018, as follows:
 - (i) The materials/finishes of the terrace;
 - (ii) The street setback of the proposed extensions;
 - (iii) The diameter of the Silver Birch at 1.5m above ground level and at ground level;
 - (iv) Notations confirming the bluestone paving to the north of the existing retaining wall is re-laid for reinstatement to suit a new path;
 - (v) The extent of excavation works to the south of the retaining wall shown on the plans;
 - (vi) The setbacks of all new walls from the boundaries;
 - (vii) The setback of the garage door and intercom wall from the south boundary, the width of the garage door opening, and internal dimensions of the garage;
 - (viii) The width of the laneway;
 - (ix) The natural ground line (NGL) on the proposed elevations consistent with the NGL line on the existing elevations;
 - (x) The sill height of windows on the south elevation;
 - (xi) The street setback, material and transparency of the fence proposed to the west of the dwelling (next to the bin area); and
 - (xii) A section diagram (from north to south) showing details of the elevated planter to the east of the dining room.
 - (g) A notation confirming the finished level along the edge of the slab of the garage is set 40mm above the edge of the Right-of-Way as per Council's Infrastructure Requirement.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5166.

Submissions

Mr Damian Isles and Ms Clare Cousins addressed the Committee on behalf of the Applicant.

The following people also addressed the Committee:

Mr Paul Rowe;

Mr Kim Poay Ma;

Mr Simon Rowe;

Ms Susan Richards;

Ms Victoria Rowe; and

Mr Doug Mitchell.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor McEvoy

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

1.3 PLN18/0118 - 8 Rogers Street, Richmond; Part demolition and construction of a ground and first floor addition with associated roof terrace to the existing dwelling, and construction of a carport.

Trim Record Number: D18/156167

Responsible Officer: Coordinator Statutory Planning

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit PLN18/0118 be issued for part demolition and construction of a ground and first floor rear addition with associated roof terrace to the existing dwelling, and construction of a carport at 8 Rogers Street, Richmond generally in accordance with the “decision plans” and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by Oliver Du Puy Architects TP00-TP10 dated 18.06.18), but modified to show the following:
 - (a) A minimum 1.7metre setback of the first floor and terrace from the northern title boundary.
 - (b) A minimum 1 metre setback of the first floor from the southern title boundary.
 - (c) A minimum 1.5 metre setback of the planter box of the roof terrace from the southern title boundary.
 - (d) A plan notation confirming that the 3000Lt rainwater tank (committed to in the STORM Rating Report dated 28 March 2018) will be connected to toilets or irrigation.
 - (e) Deletion of works (including demolition of the awning) from outside the title boundary.
 - (f) Deletion of the awning outside the western title boundary from the proposed floorplans.
 - (g) The location of southern title boundary correctly shown on the West Elevation and all proposed works shown within the title boundary.
 - (h) First floor north-facing living room window and the south facing window of the stairwell depicted in floor plans.
 - (i) Correct notation of heights (from NGL) on elevations.
 - (j) The setback of the roof terrace balustrading from the northern title boundary correctly shown on the East Elevation to correspond with the setback shown in the Roof Terrace Plan.
 - (k) Structures of adjacent properties removed from the proposed elevations.
 - (l) Detailed sectional diagrams demonstrating compliance with Standard A15 (Overlooking) of Clause 54.04-6 of the Scheme, to limit overlooking from:
 - (i) the first floor windows of the West Elevation to Unit 11/16 Derby Street Richmond and Unit 4/16 Derby Street Richmond;
 - (ii) the first floor window of the South Elevation to No. 10 Rogers Street Richmond;
 - (iii) the roof terrace to No. 10 Rogers Street Richmond; and
 - (iv) the roof terrace to No. 4 Rogers Street Richmond.
 - (m) any additional screening measures used to achieve compliance with Standard A15 detailed on the plans, where relevant.
 - (n) Operability of the habitable room windows.
 - (o) An additional East Elevation (front) not depicting the front fence.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to limit overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
 - (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

Submissions

The Applicant, Mr David Barrett addressed the Committee.

The following people also addressed the Committee:

Mr Malcolm Macdonald;
Ms Emma Wise;
Mr Richard Chauvel;
Ms Melissa Giannattasio; and
Ms Cynthia Rosen.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor Searle

Seconded: Councillor Stone

That a Notice of Decision to Grant a Planning Permit PLN18/0118 be issued for part demolition and construction of a ground and first floor rear addition with associated roof terrace to the existing dwelling, and construction of a carport at 8 Rogers Street, Richmond generally in accordance with the “decision plans” and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans (prepared by Oliver Du Puy Architects TP00-TP10 dated 18.06.18), but modified to show the following:
 - (a) A minimum 1.7metre setback of the first floor and terrace (including the planter box) from the northern title boundary.
 - (b) A minimum 1 metre setback of the first floor from the southern title boundary.
 - (c) A minimum 1.5 metre setback of the planter box of the roof terrace from the southern title boundary.
 - (d) A plan notation confirming that the 3000Lt rainwater tank (committed to in the STORM Rating Report dated 28 March 2018) will be connected to toilets or irrigation.
 - (e) Deletion of works (including demolition of the awning) from outside the title boundary.
 - (f) Deletion of the awning outside the western title boundary from the proposed floorplans.
 - (g) The location of southern title boundary correctly shown on the West Elevation and all proposed works shown within the title boundary.
 - (h) First floor north-facing living room window and the south facing window of the stairwell depicted in floor plans.
 - (i) Correct notation of heights (from NGL) on elevations.
 - (j) The setback of the roof terrace balustrading from the northern title boundary correctly shown on the East Elevation to correspond with the setback shown in the Roof Terrace Plan.
 - (k) Structures of adjacent properties removed from the proposed elevations.
 - (l) Detailed sectional diagrams demonstrating compliance with Standard A15 (Overlooking) of Clause 54.04-6 of the Scheme, to limit overlooking from:
 - (i) the first floor windows of the West Elevation to Unit 11/16 Derby Street Richmond and Unit 4/16 Derby Street Richmond;

- (ii) the first floor window of the South Elevation to No. 10 Rogers Street Richmond;
 - (iii) the roof terrace to No. 10 Rogers Street Richmond; and
 - (iv) the roof terrace to No. 4 Rogers Street Richmond.
 - (m) any additional screening measures used to achieve compliance with Standard A15 detailed on the plans, where relevant.
 - (n) Operability of the habitable room windows.
 - (o) An additional East Elevation (front) not depicting the front fence.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
4. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to limit overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.
- Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

CARRIED UNANIMOUSLY

1.4 2-20 Kerr Street, Fitzroy - PLN17/0379 - Construction of dwellings, including associated demolition works and a reduction in car parking

Trim Record Number: D18/157307

Responsible Officer: Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to advise VCAT that had it been in a position to it would have issued a Notice of Decision to Grant a Planning Permit PLN17/0379 for the development of the land for the construction of 17 dwellings, including associated demolition works and a reduction in car parking subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) All habitable room windows, balconies and roof terraces to be screened in accordance with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme;
 - (b) The provision of storage facilities in accordance with the objective of Clause 55.05-6 of the Yarra Planning Scheme;
 - (c) A notation stating the removal of the two vehicular crossing along Kerr Street and re-instated as standard footpath and kerb and channel to the satisfaction of the Responsible Authority;
 - (d) The new west-facing window frame to the ground floor of Townhouse 17 to match the configuration of the existing opening to maintain the character and appearance of the retained heritage façade;
 - (e) Details of all new doors, gates, screens to the existing window frames in the retained heritage facades;
 - (f) The proposed method of paint removal from the retained heritage facades (to not include sand blasting or the like);
 - (g) Lighting details to be provided to pedestrian entries and along first floor common area;
 - (h) Any changes as a result of conditions 3, 9 or 11.
2. Before development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Before the development commences, a Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Soil conditions

5. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - (a) A description of previous land uses and activities on the land;
 - (b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
6. If the assessment required by condition 5 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. If the assessment required by condition 5 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - (a) A Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - (b) A Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

And the Certificate or Statement must be provided to the Responsible Authority.

8. If, pursuant to condition 5, a Statement is issued:
 - (a) The development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - (b) The development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
 - (c) Before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - (d) If any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (**Agreement**). The Agreement must:
 - (i) Provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) Be executed before the sensitive use for which the land is being developed commences; and

- (e) The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Waste Management Plan

- 9. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Conditions

- 11. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Wood & Grieve Engineers and dated 8 September 2017, but modified to address:
 - (a) An amended assessment of noise from the car repair workshop. In particular, that the worst case noise impacts from this use have been quantified.
 - (b) An amended assessment of noise from the car repair workshop during the evening and night time period (if applicable). An assessment to internal design targets (i.e. SEPP N-1 indoor limits), could be conducted if the use is found to be non-compliant with the night noise limits.
 - (c) A full assessment of possible impacts the car stackers may have to adjoining properties and residents within the proposed development.
 - (d) The background noise data used to determine noise limits for domestic plant are not representative of noise levels at quieter parts of the subject development. The amended acoustic report to incorporate lower targets that are adopted for design purposes, or that further background noise monitoring is conducted.

Road Infrastructure

- 12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) Constructed and available for use in accordance with the endorsed plans;
- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface; and
- (d) Line- marked or provided with some adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

Lighting

15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) Located;
 - (b) Directed;
 - (c) Shielded and
 - (d) Of limited intensity.

General

16. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
18. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
20. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out.
- (a) Monday- Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturday and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

21. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;

- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

Time Expiry

22. This permit will expire if:

- (a) The development is not commenced within two years of the date of this permit; or
- (b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

All future property owners, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Submissions

Ms Alice Maloney addressed the Committee on behalf of the Applicant.

Mr Ian Penrose also addressed the Committee.

INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

Moved: Councillor McEvoy

Seconded: Councillor Stone

That having considered all objections and relevant planning policies, the Committee resolves to advise VCAT that had it been in a position to it would have issued a Notice of Decision to Grant a Planning Permit PLN17/0379 for the development of the land for the construction of 17 dwellings, including associated demolition works and a reduction in car parking subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
 - (a) All habitable room windows, balconies and roof terraces to be screened in accordance with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme;
 - (b) The provision of storage facilities in accordance with the objective of Clause 55.05-6 of the Yarra Planning Scheme;
 - (c) A notation stating the removal of the two vehicular crossing along Kerr Street and re-instated as standard footpath and kerb and channel to the satisfaction of the Responsible Authority;
 - (d) The new west-facing window frame to the ground floor of Townhouse 17 to match the configuration of the existing opening to maintain the character and appearance of the retained heritage façade;
 - (e) Details of all new doors, gates, screens to the existing window frames in the retained heritage facades;
 - (f) The proposed method of paint removal from the retained heritage facades (to not include sand blasting or the like);
 - (g) Lighting details to be provided to pedestrian entries and along first floor common area;
 - (h) Any changes as a result of conditions 3, 9 or 11;
 - (i) The vehicle ramp redesigned to ensure that a B99 design vehicle can enter and exit without scraping or bottoming out;
 - (j) The finished floor level at the edge of the ramp must be set 40mm higher than the edge of the bluestone Right of Way;
 - (k) The annotations 'proposed crossover' and 'fall to kerb' must be deleted from the drawings; and
 - (l) The ground and first floor window openings in the new built form along Kerr Street to be steel framed and align with or relate proportionally to the existing steel frame window proportions.

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Before the development commences, a Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Soil conditions

5. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - (a) A description of previous land uses and activities on the land;
 - (b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - (c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - (d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970 (EP Act)* to undertake an Environmental Audit in accordance with the provisions of the EP Act.
6. If the assessment required by condition 5 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
7. If the assessment required by condition 5 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - (a) A Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
 - (b) A Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),

And the Certificate or Statement must be provided to the Responsible Authority.

8. If, pursuant to condition 5, a Statement is issued:
 - (a) The development authorised by this permit must not be undertaken unless the

- Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
- (b) The development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
 - (c) Before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - (d) If any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (**Agreement**). The Agreement must:
 - (i) Provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) Be executed before the sensitive use for which the land is being developed commences; and
 - (e) The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Waste Management Plan

- 9. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Conditions

- 11. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Wood & Grieve Engineers and dated 8 September 2017, but modified to address:
 - (a) An amended assessment of noise from the car repair workshop. In particular, that the worst case noise impacts from this use have been quantified.
 - (b) An amended assessment of noise from the car repair workshop during the evening and night time period (if applicable). An assessment to internal design targets (i.e. SEPP N-1 indoor limits), could be conducted if the use is found to be non-compliant with the night noise limits.
 - (c) A full assessment of possible impacts the car stackers may have to adjoining properties and residents within the proposed development.
 - (d) The background noise data used to determine noise limits for domestic plant are not representative of noise levels at quieter parts of the subject development. The amended acoustic report to incorporate lower targets that are adopted for design purposes, or that further background noise monitoring is conducted.

Road Infrastructure

12. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line- marked or provided with some adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

Lighting

15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkway, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) Located;
 - (b) Directed;
 - (c) Shielded and
 - (d) Of limited intensity.

General

16. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
18. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
20. Except with the prior written consent of the Responsible Authority, demolition or construction

works must not be carried out.

- (a) Monday- Friday (excluding public holidays) before 7 am or after 6 pm;
- (b) Saturday and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management

21. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

Time Expiry

22. This permit will expire if:

- (a) The development is not commenced within two years of the date of this permit; or
- (b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

All future property owners, residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

CARRIED

The meeting closed at 9.27pm.

Confirmed at the meeting held on Wednesday 10 October 2018

Chair